

**REMARKS**

Claims 1 - 22 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Pub. No. 2003/0142641 of Sumner et al. (hereinafter "Sumner").

Applicant disagrees, and respectfully submit that the claims are in condition for allowance.

Further, claims 1-20 and 22 have been rejected under the judicially-created doctrine of obviousness-type double patenting. A terminal disclaimer will be filed in this case in due course to overcome this double-patenting rejection.

Additionally, by the foregoing amendment, Applicant has canceled claim 21 without prejudice. Claims 1-20 and 22 are now pending in this application.

**Rejections under §102**

The present invention relates to a method for detecting unauthorized use of a wireless local area network. Independent claim 1 recites:

A method for detecting unauthorized use of a wireless local area network having at least one mobile unit that communicates with at least one access point, comprising:

- accumulating first network traffic data at a mobile unit;
- accumulating second network traffic data at an access point;
- communicating said first and second traffic data to a computer; and
- correlating said first and second traffic data in said computer to identify non-correlated traffic data and signaling an alarm condition when said non-correlated traffic data exceeds a threshold portion of said traffic data.

Sumner relates generally to a system for managing wireless network data, specifically in the context of a wireless wide-area network (WWAN). (Sumner, Abstract, Specification, ¶0002-4). The portions of Sumner cited by the Examiner relate to the use of WLAN data in conjunction with GPS location data. A wireless device may cooperate with a

control point by posting its location to the control point as determined from a GPS network.

(Sumner, Specification, ¶0037).

However, Sumner fails to disclose or suggest at least the claimed step of “correlating said first and second traffic data in said computer to identify non-correlated traffic data and signaling an alarm condition when said non-correlated traffic data exceeds a threshold portion of said traffic data.” The present invention utilizes this correlation function to determine, e.g., whether unauthorized mobile units may be communication with an authorized base station (which would be apparent only after the data from the mobile units and the base stations is coordinated in order to identify communications received by the base station but not transmitted from any authorized mobile units) or whether mobile units may be communicating with a an unauthorized device acting as an authorized base station (again, which activity can be identified, in accordance with the present invention, by correlating all data traffic received/transmitted by the authorized base stations and mobile units). A multitude of different types of wireless network communications may be used in this claimed correlation function to identify unauthorized network access. (*See*, e.g., Specification, ¶0020).

Nothing in the cited portion of Sumner discloses or suggests at least this feature. Accordingly, for at least this reason, Applicant respectfully submits that claim 1 is in condition for allowance. Further, because claims 2-19 contain this limitation through dependency, and claims 20 and 22 contain similar limitations, Applicant respectfully submits that all pending claims are in condition for allowance.

**CONCLUSION**

In view of the foregoing remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant hereby authorizes the Commissioner to charge payment of any additional fees or credit any overpayment associated with this communication to Deposit Account No. 02-4377.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'R. Maier', written over a horizontal line.

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